IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 177 OF 2005

Nirmala Dhirajlal Shah and
anr. ..Appellants

Vs.

Premji Meghaji Shah @ Gindra
and ors. ..Respondents

Mr. P.K. Dhakephalkar with Mr. Niranjan Shimpi for the appellants.
Mr. Sandesh Patil for the Respondents.

CORAM: B.H. MARLAPALLE, J.

Date : June 29, 2005.

P.C.:

1. Heard Mr. Dhakephalkar with Mr. Shimpi the learned counsel for the appellants and Mr. Patil the learned counsel for the respondents.

2. In Special Civil Suit No. 73 of 2002 an application at Exh.6 came to be filed for appointment of Court Receiver and the said application has been allowed by the learned Joint Civil Judge, Senior Division at Thane vide his order dated 4/11/2004 which has been assailed in this appeal.

3. The relationship between the parties is not disputed vis-a-vis the business firm by name and style M/s. Jeevan Jyoti, M/s. Shah Investment and Company as well as M/s. Jeevan Jyoti Shopping Centre Private Limited and/or any other trade name and style in the business premises at Jambhali Naka, Netaji Subhash Road, Thane. After hearing the parties the trial court was pleased to appoint Mr. D.K. Mahadik an Advocate as the Court Receiver pending the trial of the suit. The claim of the plaintiffs in the pending suit is under consideration before the trial court and his application for injunction has been rejected. It was under these circumstances that the trial court thought it fit to protect the interest of the business firm and the plaintiffs pendente lite.

4. Though there is no reason to interfere with the impugned order, the Court Receiver appointed need not be the learned Member of the Bar and such an appointment may not be very effective. The parties were, therefore, called upon to suggest the names of their respective choices and both the appellants as

well as the respondents have no objection to the name of M/s. Kishor Faria and Associates, C-204, Roop Plaza, Opp. Sidhivinayak Temple, Jambhali Naka, Thane (w) as the Court Receiver in place of Mr. D.K. Mahadik, Advocate.

5. The appeal is, therefore, disposed off with the modification to the extent that M/s. Kishor Faria and Associates should act as Court Receiver in place of Mr. D.K. Mahadik, Advocate, with effect from 1st July 2005, for the business carried by the Defendants under the name and style of M/s. Jeevan Jyoti and/or M/s. Shah Investment and Company and/or M/s. Jeeva Jyoti Shopping Centre Private Limited and/or in any other trade name and style in the business premises at Jambhali Naka, Netaji Subhash Road, Thane. The rest of the impugned order would remain intact.

(B.H. Marlapalle,J.)